UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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BROWN'S CREW CAR OF WYOMING LLC,

Plaintiff(s),

VS.

NEVADA TRANSPORTATION AUTHORITY, A DIVISION OF THE NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY

Defendant(s).

2:08-CV-0777-RLH-LRL

ORDER

(Motion for Reconsideration-#41)

Before the Court is **Plaintiff's Motion for Reconsideration of October 21, 2008 Order Allowing Intervention Under Rule 24(a)(2)** (#41, filed October 30, 2008). An Opposition (#43) and Reply (#44) were also filed, and the matter is submitted for consideration.

Pursuant to a Motion to Intervene (#20) by Ignacio Garijo, dba Winnemucca Cab, and following a hearing on October 16, 2008 (#39), the Court granted the motion to intervene, but the denied that part of the motion seeking to join a necessary party. It also granted a motion to conduct discovery (#22). Plaintiff brings this motion for reconsideration of the order granting intervention, which would also have the effect of reversing the Court's order regarding discovery.

Although not mentioned in any of the Federal Rules of Civil Procedure, motions for reconsideration may be brought under both Rules 59(e) and 60(b). "Under Rule 59(e), a motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening

change in the controlling law." *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999).

Under Rule 60(b), a court may relieve a party from a final judgment, order or proceeding only for: (1) mistake, inadvertence, surprise or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) the judgment is void; (5) the judgment has been satisfied; or (6) any other reason justifying relief from the judgment. A motion for reconsideration is properly denied when it presents no arguments that were not already raised in its original motion. *See Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir. 1985).

Motions for reconsideration are not "the proper vehicles for rehashing old arguments," *Resolution Trust Corp. v. Holmes*, 846 F.Supp. 1310, 1316 (S.D.Tex. 1994) (footnotes omitted), and are not "intended to give an unhappy litigant one additional chance to sway the judge." *Durkin v. Taylor*, 444 F.Supp. 879, 889 (E.D. Va. 1977).

Plaintiff's motion does not meet any of the required criteria but is merely a rehashing of the arguments made at the hearing and in the briefs regarding the motion to intervene. Accordingly,

IT IS HEREBY ORDERED that **Plaintiff's Motion for Reconsideration of October 21, 2008 Order Allowing Intervention Under Rule 24(a)(2)** (#41) is DENIED.

Dated: December 10, 2008.

Roger C. Hunt

Chief United States District Judge